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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,646	07/28/2003	Steven M.H. Wallman	10392-460042	3617
7590		09/14/2007		
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			EXAMINER	
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			ART UNIT	PAPER NUMBER
			3609	
			MAIL DATE	DELIVERY MODE
			09/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/627,646

**Applicant(s)**

WALLMAN, STEVEN M.H.

**Examiner**

Hao Fu

**Art Unit**

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAIL ACTION**

### ***Abstract Objection***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

### ***Claim Rejection – USC 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, and 3 are rejected under U.S.C. 102(b) as being anticipated by US Patent Number 5,123,936 to Champion et al. (hereinafter "Champion").

As per claim 1, Champion teaches a method for managing an investment account for a customer associated with a sponsoring organization comprising the steps of (see column 3, line 8-12):

interacting with the customer over a computer network (see Fig 2, "modem" and "computer" suggest that customers can be reached over a computer network) to create a portfolio of investments that satisfy a plurality of restrictions on investment activity of the customer while meeting pre-defined investment needs of the customer (see column 4, line 6-21, and line 31-46, also see column 5, line 40-52); and

transmitting a resulting portfolio of desired investments over the computer network for execution (see column 5, line-8-15, and line 47-57).

As per claim 2, Champion teaches a method for managing a plurality of investment accounts (see column 4, line 46-51, it is implied that there is a plurality of accounts), each of which is associated with a third party user (see column 4, line 66-67, it is implied that each account is associated with a third party user), comprising the steps of:

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receiving data from the user regarding the plurality of investment accounts, the data defining an amount and types of investments to be included in each investment account (see column 4, line 56-65);

aggregating the plurality of investment accounts into a single portfolio of investments for the user (see column 4, line 46-51, aggregating a total level of risk for all customer accounts is analogous to aggregating plurality of accounts into a single portfolio then performing risk analysis); and

analyzing the single portfolio to determine a risk/reward characteristic of the single portfolio (see column 4, line 46-51).

As per claim 3, Champion teaches a method for creating a plurality of separate investment accounts while managing the plurality of separate investment accounts as a single investment portfolio (see column 3, line 30-40), comprising the steps of:

establishing a separate file for each of the plurality of separate investment accounts (see column 3, line 30-34, and column 4, line 6-10); and

analyzing the plurality of separate investment accounts as if the plurality of separate investment accounts were a single investment portfolio, the analysis including at least one of: a risk level analysis (see column 4, line 46-51), a diversification analysis (see Fig 1), a concentration analysis and a sector exposure analysis (see column 3, line 46-47) for the single portfolio.

As per claim 5, Champion teaches a method for creating a plurality of separate investment accounts (see column 3, line 30-34, and column 4, line 6-10) while managing the plurality of separate investment accounts as a single portfolio (see column 4, line 46-51, aggregating a total level of risk for all customer accounts is managing the plurality of separate investment accounts as a single portfolio), comprising the steps of:

calculating a risk/reward analysis for each of the plurality of separate investment accounts (see column 3, line 30-40); and

receiving, for each of the plurality of separate investment accounts, from a customer an indication of the customer's preferences regarding said risk/reward analysis (see column 5, line 47-61, the invention in prior art first gives user recommendation of buying/selling asset, then it receives a confirmation of user's trade execution; the confirmation of trade execution is an indication of the customer's preference regarding the risk/reward analysis).

### ***Claim Rejection – USC 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under U.S.C. 103(a) as being unpatentable over US Patent Number 5,123,936 to Champion et al., in view of US Patent Number 6,098,052 to Kosiba et al. (hereinafter "Kosiba").

As per claim 4, Champion teaches a method for managing an investment account of a plurality of customers associated with a sponsoring organization (see column 3, line 8-12, and line 30-34), comprising the steps of:

establishing a plurality of defined restrictions on the investment activity of the plurality of customers associated with the sponsoring organization (see column 4, line 6-21, and line 31-46);

interacting with a first customer over a computer network (see Fig 2, "modem" and "computer" suggest that customers can be reached over a computer network) to identify a portfolio of investments that satisfy the plurality of defined restrictions while meeting customer defined investment needs of the first customer (see column 4, line 6-21, and line 31-46, also see column 5, line 40-52); and

transmitting a plurality of trade requests over a computer network identifying a plurality of investments in the aggregate portfolio (see column 5, line-8-15, and line 47-57).

Examiner notes however, Champion does not teach establishing an aggregate portfolio of investments from the first customer and from a plurality of other customers.

Kosiba teaches establishing an aggregate payment from separate accounts (see column 1, line 54-60).

Since both payment and portfolio can be viewed as financial transaction, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the portfolio management method to aggregate a plurality of customers' accounts into one aggregate portfolio.

One of ordinary skill in the art would have been motivated to modify the reference in order to lower the transaction cost (see column 1, line 57-60).

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao Fu whose telephone number is (571) 270-3441.

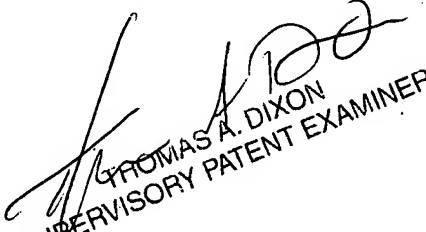
The examiner can normally be reached on Mon-Fri/Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hao Fu  
Examiner  
Art Unit 3609

Aug-07

  
THOMAS A. DIXON  
SUPERVISORY PATENT EXAMINER